

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

THOMPSON

CHILCOTT *gc*

DRISCOLL *KD*

PLETTENBERG (Clerk & Recorder)

Date.....February 7, 2008

Members Present.....Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Minutes: Beth Perkins

► The Board met for review and possible appointment of Board of Adjustment members.

Commissioner Grandstaff discussed a conflict with term lengths and staggering of those terms. It was the Board's consensus to have the term length be two years.

Commissioner Grandstaff requested an interview with applicant Donald Henry. The Board will re-advertise for the open positions in order to obtain a broader applicant pool.

► The Board met for a public meeting for a Request for Commissioner Action on Sunnyside Orchards #3 Block 9 Lot 4 AP (Carleton) Minor subdivision plus one variance request. Present were Planners John Lavey and Randy Fifrick.

Commissioner Grandstaff called the meeting to order and requested any conflicts of interest, hearing none. She then requested the Planning Staff Report be read.

Randy presented the Staff Report as follows:

**SUNNYSIDE ORCHARDS 3, BLOCK 9, LOT 4, AP SUBDIVISION
THREE-LOT MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick

**REVIEWED/
APPROVED BY:**

John Lavey

**PUBLIC HEARINGS/
MEETINGS:**

BCC Public Meeting: 9:30 a.m. February 7, 2008
Deadline for BCC action (35-working days): February 27, 2008

SUBDIVIDER/OWNER:

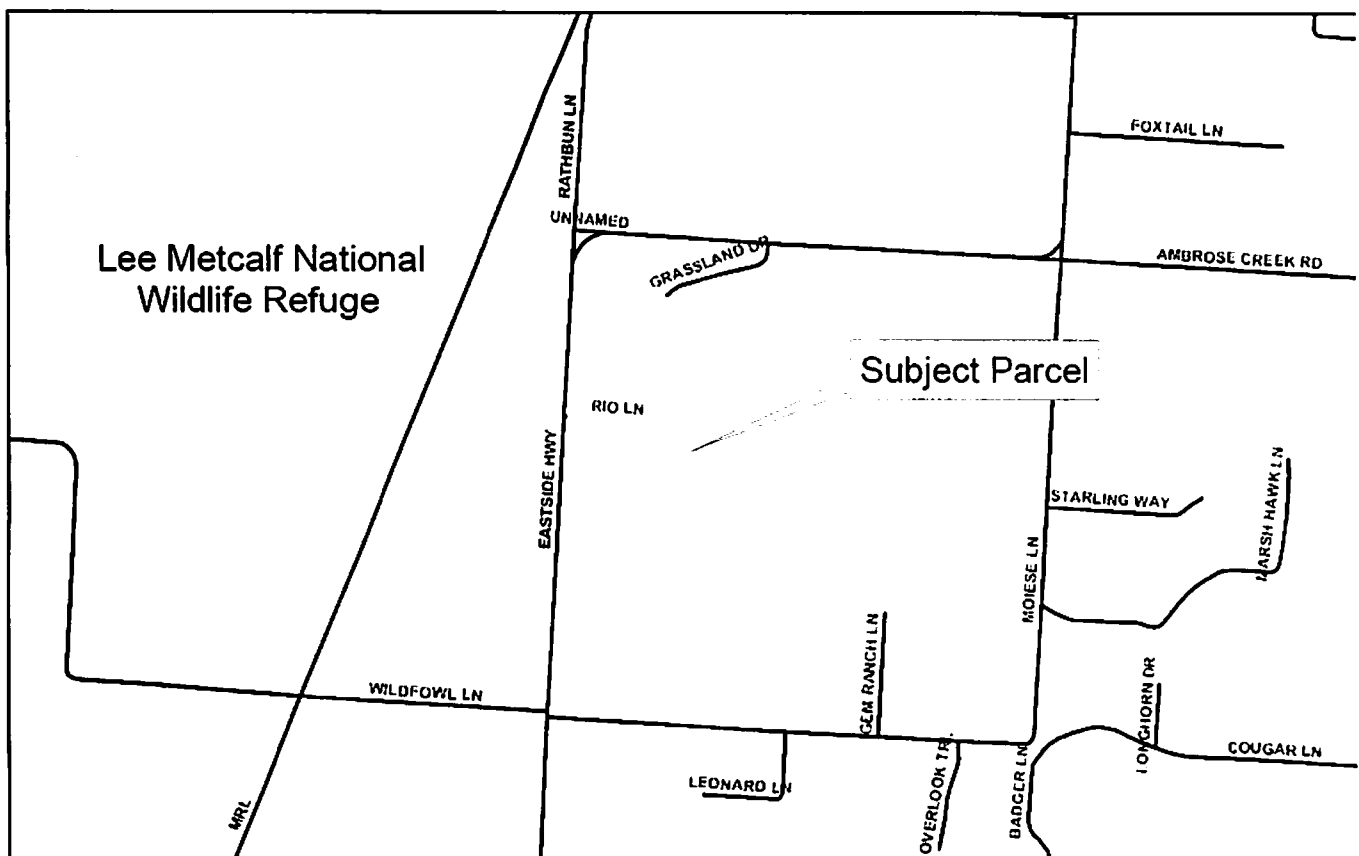
Heather T. Carlton
PO Box 6372
Jackson, WY 83002

REPRESENTATIVE:

Applebury Survey
914 Highway 93
Victor, MT 59875

LOCATION OF REQUEST:

The property is located 3 miles northeast of
Stevensville off of Eastside Highway. (See Map 1)



Map 1: Location Map

(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A portion of the NW ¼ of Section 12, T9N, R20W,
P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on January 7, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-8 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION: Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked January 22, 2008. No public comments have been received.

**DEVELOPMENT
PATTERN:**

Subject property	Commercial
North	Commercial
South	Open Land/Proposed Subdivision
East	Open Land
West	Commercial

INTRODUCTION

The Sunnyside Orchards 3, Block 9, Lot 4, AP minor subdivision is a three-lot subdivision of 9.22 acres located north of Stevensville. The property is accessed off of Eastside Highway by an internal road, Rio Lane. Two of the lots are proposed for commercial use and one lot is proposed for residential use. There is an existing veterinary clinic located on Lot 4B.

Concurrent with the subdivision proposal, the subdivider is requesting one variance from Section 5-4-5(b)(2), which would require the developer to construct a hard-surfaced road within the subdivision to serve all lots.

Staff recommends denial of the variance and conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
FEBRUARY 7, 2008

SUNNYSIDE ORCHARDS 3, BLOCK 9, LOT 4, AP
THREE-LOT MINOR SUBDIVISION

RECOMMENDED MOTIONS

1. That the variance request from Section 5-4-5(b)(2) of the Ravalli County Subdivision Regulations, which would require the developer to construct a hard-surfaced road within the subdivision to serve all lots, be **denied**, based on the findings of fact and conclusions of law in the staff report.
2. That the Sunnyside Orchards 3, Block 9, Lot 4, AP Minor Subdivision be **conditionally approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Eastside Highway frontage of this subdivision, excepting the approved common access approach to Eastside Highway. All lots within this subdivision must use this approved approach. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Effects on Local Services and Public Health & Safety*)

Notification of Water Rights. Lots within this subdivision do not currently have the right to take irrigation water out of the infrastructure located within the subdivision. Taking water without a water right for irrigation purposes is illegal. (*Effects on Agricultural Water User Facilities*)

Notification of Utility Easements. Within this subdivision there are utility easements and an easement for overhead power lines. No structure shall be allowed to encroach into or set upon the utility easements. The utility easements shall remain unobstructed and accessible at all times. (*Effects on Local Services*)

Notification of Proximity to Montana Rail-Link Railroad. This subdivision is located near the Montana Rail-Link railroad grade. Standard operation of the railroad can include elevated noise levels, exhaust fumes, and engine

headlights, which may be objectionable to some people. In addition, there are inherent hazards associated with railroad operations. (*Effects on Public Health & Safety*)

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. The downstream water rights holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easements to maintain the ditches. (*Effects on Agricultural Water User Facilities*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, moose, bear, mountain lion, coyote, fox, skunk and raccoon. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at www.fwp.mt.gov. (*Effects on Wildlife and Wildlife Habitat, Effects on Natural Environment*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees

in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- c. **Garbage** should be stored in secure animal-resistant containers, in closed sheds or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. And in turn, keeping pets confined helps protect them from being preyed upon by wildlife. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124). No outdoor cats shall be allowed within the subdivision.
- e. **Pet food (and livestock feed)** must be stored indoors, in enclosed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bear, mountain lion, skunk, raccoon, etc. **When feeding pets (and/or livestock)** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- f. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- g. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence.
- h. **Gardens**, fruit trees or orchards can attract wildlife such as bear and deer. Keep the produce and ripe fruit picked because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out

of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.

- i. **Bird feeders** attract bears, especially from April 1st through the end of November. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant.
- k. Purchasers of lots within this subdivision must recognize that the subdivision is located near the Lee Metcalf National Wildlife Refuge and natural sloughs associated with the Bitterroot River, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from early morning until sunset, and the season can run from September into January.

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which requires lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information. (*Effects on Local Services and Public Health & Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Effects on Public Health & Safety)*

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. *(Effects on the Natural Environment)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Effects on Agriculture and Natural Environment)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v), RCSR, Impacts on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but

not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*

4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". *(Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Stevensville School Districts stating that they have received an (amount)-per-new-lot contribution prior to final plat approval. *(Effects on Local Services)*
8. The subdivider shall submit a (amount)-per-new-lot contribution made prior to final plat approval to an account for Public Safety (Sheriff, E-911, OEM) to mitigate impacts on local services and public health and safety. *(Effects on Local Services and Public Health and Safety)*
9. The final plat shall show a no-ingress/egress zone along the Eastside Highway frontage of the subdivision, excepting the approach for the internal road, as approved by the Montana Department of Transportation. *(Effects on Local Services and Public Health & Safety)*
10. The final plat shall show a 10-foot-wide irrigation easement centered on the irrigation ditch that traverses the western property line, adjacent to Eastside Highway. *(Effects on Agricultural Water User Facilities)*
11. Prior to final plat approval, the applicant shall purchase and deliver the materials necessary (including pipe, grates, and cleanouts) to pipe the irrigation ditch on Lot 4A, in consultation with the Lee Metcalf National Wildlife Refuge. Prior to final plat

approval, the applicant shall submit a letter from the Refuge manager stating that the appropriate materials were provided. (*Effects on Agricultural Water User Facilities*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003), shall be submitted prior to final plat approval. One paper copy may be submitted for the first proofing. The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
 - A. Project name
 - B. Title block
 - C. Certificate of registered owner – notarized
 - D. Certificate of registered land surveyor with seal
 - E. Certificate of governing body approval
 - F. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - G. Certificate of public dedication
 - H. Certificate of park cash-in-lieu payment
 - I. Other certifications as appropriate
 - J. North arrow
 - K. Graphic scale
 - L. Legal description
 - M. Property boundaries (bearings, lengths, curve data)
 - N. Pertinent section corners and subdivision corners
 - O. Names of adjoining subdivisions/certificates of survey
 - P. Monuments found
 - Q. Witness monuments
 - R. Acreage of subject parcel
 - S. Curve data (radius, arc length, notation of non-tangent curves)
 - T. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - U. Lots and blocks designated by number (dimensions/acreage)
 - V. Easements/rights of ways (location, width, purpose, ownership)
 - W. No-ingress/egress zones
 - X. Irrigation canals including diversion point(s), etc.
 - Y. Existing and new roads (names, ownership, etc.)

3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
13. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
14. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.
15. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
16. Road certification(s) shall be submitted with the final plat submittal.
17. Utility availability certification(s) shall be submitted with the final plat submittal.
18. Road maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
19. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.
20. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
21. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.

22. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
23. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing and proposed utility easements are located along Eastside Highway and Rio Lane. (Application)
2. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed by Eastside Highway and Rio Lane. (Application)
2. Eastside Highway is listed as a state-maintained road. (GIS)
3. Rio Lane will provide legal and physical access to all lots in the subdivision off of Eastside Highway. (Plat)
4. The subdivider has attained an approach permit from the Montana Department of Transportation (MDT) for Rio Lane off of Eastside Highway. (Final Plat Requirement 12)

Conclusion of Law

Legal and physical access is adequate for this site.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Findings of Fact

1. The applicant is proposing to construct an internal subdivision road to provide access to all lots within the subdivision, but is requesting a variance to leave the surface gravel. Staff is recommending denial of the variance, which would result in the hard-surfacing of the road. (Application)
2. In a letter dated January 16, 2007, Steve Whitson, Lee Metcalf National Wildlife Refuge Manager, requested that the irrigation ditch traversing proposed Lot 4A be piped, to ease the Refuge's maintenance responsibilities. Condition 11 requires that the developer work with the Refuge to install the pipe. (Exhibit A-2)
3. The applicant is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirements 1 and 16).

Conclusion of Law

With denial of the variance, the final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. This property has no water rights. (Application)
2. Condition 1 clarifies the disposition of water rights on and within this property.

Conclusion of Law

With the mitigating conditions of approval, this requirement has been met.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. An irrigation ditch runs along the west property line next to Eastside Highway. (Application)
2. In a letter dated January 16, 2007, Steve Whitson, Lee Metcalf National Wildlife Refuge Manager, requested that the irrigation ditch traversing proposed Lot 4A be piped, to ease the Refuge's maintenance responsibilities. Condition 11 requires that the developer work with the Refuge to install the pipe. (Exhibit A-2)
3. To ensure that the appropriate irrigation easements are in place and future owners are aware they cannot plant or build within the easements, the following requirements and conditions shall be met prior to final plat approval:
 - a. *The subdivider shall provide for a 10-foot-wide irrigation easement centered on the irrigation ditch that runs along the west property line next to Eastside Highway on the final plat. (Condition 10)*
 - b. *A notification of the irrigation easement shall be included in the notifications document. (Condition 1)*
 - c. *Prior to final plat approval, the applicant shall purchase and deliver the materials necessary (including pipe, grates, and cleanouts) to pipe the irrigation ditch on Lot 4A, in consultation with the Lee Metcalf National Wildlife Refuge. Prior to final plat approval, the applicant shall submit a letter from the Refuge manager stating that the appropriate materials were provided. (Condition 11)*
 - d. *Section 3-4-4(a)(ii)(V) requires that the irrigation easement be shown on the final plat.*

Conclusion of Law

With the requirements and conditions of final plat approval, this prerequisite has been met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. Three lots are proposed with this subdivision, two of which are proposed as commercial. (Application)
2. Both commercial lots are two-acres in size, and the residential lot is greater than five-acres in size. (Application)
3. Parcels intended for nonresidential purposes, as well as residential lots larger than five-acres in size, are exempt from parkland dedication. (RCSR 6-1-5(b))

Conclusion of Law

No parkland dedication is required of this subdivision.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The applicant is requesting a variance from Section 5-4-5 (b) of the Ravalli County Subdivision Regulations, which requires all roads within the subdivision to be hard surfaced and meet county standards for new construction. Instead, the applicant has proposed a gravel surface with annual application of a dust palliative. (Application)
2. The Planning Department is recommending denial of the variance request. (Staff Report)
3. The lot layout as indicated on the preliminary plat appears to meet the design standards in Chapter 5 of the Ravalli County Subdivision Regulations. (RCSR Ch. 5)
4. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (RCSR Ch. 3)

Conclusion of Law

The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (RC GIS Data)

Conclusion of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property. (RC Clerk & Recorder's Office)

Conclusion of Law

Since there are no covenants, this criterion does not apply.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the pre-application conference held on June 8, 2005. (Application)

Conclusion of Law

The application appears to meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 9.22 acres will result in 3 lots that range in size from 2.00 acres to 5.22 acres. The property is located approximately 3 miles northeast of the community of Stevensville. (Application)
2. This parcel is classified for tax purposes as commercial rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. Parcels adjacent to the subject property are classified for tax purposes as agricultural rural, vacant land rural and residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
4. The new soils data available from the NRCS Web Soil Survey shows there are no soils on the property that are listed as Prime Farmland Soils or Farmland of Statewide Importance. Farmland of local importance covers entire property. (NRCS)
5. In an email dated August 21, 2007, Jay Skovlin, local NRCS soil scientist, stated that the Farmland of local importance classification was not intended to be used to determine important agricultural land for subdivision review. It is the lowest tier of farmland soils and the criteria have a low threshold so this classification does not show the most productive soils in the Valley. The classification will be used as a preliminary screening tool for the Farm and

Ranch Land Protection Program. (U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)) (Exhibit A-1)

6. The applicants submitted a Ravalli County Subdivision Ground Disturbance and Noxious Weed Management Plan that stated spotted knapweed and common tansy were found on the property. (Application)
7. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
8. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. According to the application, there are no water rights or irrigation infrastructure currently associated with this property. (Application)
2. An irrigation ditch runs along the west property line next to Eastside Highway. (Application)
3. Steve Whitson, the U.S. Fish and Wildlife Service / Lee Metcalf Wildlife Refuge manager, has requested that the applicant pipe the irrigation ditch up to and throughout this subdivision, citing concerns that past residential development has resulted in a deterioration of their irrigation water supply in both quantity and quality. (Exhibits A-2)
4. Moiese Meadows, a subdivision to the south, was given conditional approval by the BCC on July 19, 2007. During the review of that subdivision, Mr. Whitson made the same request of the subdivider as he now makes. The subdivider and Mr. Whitson worked out the following agreement: Prior to final plat approval, the applicant was required to purchase and deliver the materials necessary (including pipe, grates, and cleanouts) to pipe the irrigation ditch from the head gate at the Supply Ditch (approximately ¼ mile east of the southeast corner of the subdivision) to the northern boundary of the subdivision, in consultation with the Lee Metcalf National Wildlife Refuge. Prior to final plat approval, the applicant was required to submit a letter from

the Refuge manager stating that the appropriate materials were provided. (Moiese Meadows PPD)

5. Staff is recommending that the developer of this subdivision enter into an agreement similar to that of the agreement settled upon for Moiese Meadows, which is reflected in condition 11.
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
 - *The subdivider shall provide for a 10-foot-wide irrigation easement centered on the irrigation ditch that runs along the west property line next to Eastside Highway on the final plat. (Condition 10)*
 - *The applicant is required to purchase and deliver the materials necessary (including pipe, grates, and cleanouts) to pipe the irrigation ditch from the southern boundary of the subdivision to the northern boundary of the subdivision, in consultation with the Lee Metcalf National Wildlife Refuge. Prior to final plat approval, the applicant shall submit a letter from the Refuge manager stating that the appropriate materials were provided. (Condition 11)*
 - *A notification of the irrigation easements shall be included in the notifications document. (Condition 1)*
 - *A notification that no water rights exist for this subdivision shall be included in the notifications document. (Condition 1)*
 - *Section 3-4-4(a)(ii)(V) requires that the irrigation easements be shown on the final plat.*

Conclusion of Law

With the conditions and requirements of final plat approval, impacts to agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Three Mile Rural Fire District. (Application)
2. Notification letters were sent to the Three Mile Rural Fire District requesting comments on December 20, 2006 and January 22, 2008, but no comments have been received from the Fire District. (Subdivision File)
3. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which address access, posting of addresses, and water supply requirements.
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)*

- *Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
- *The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 6)*

School District

5. With this subdivision, it is estimated that approximately 0.5 school-aged children will be added to the Stevensville School District, assuming an average of 0.5 children per household (Census 2000).
6. A letter was sent by the Stevensville School District dated October 27, 2005 to the applicant. In the letter, the school district states that they do not travel on private roads. In addition, the letter states that this subdivision will have an impact of \$22,500 on the school district. (Application)
7. The Stevensville School District has not completed an impact fee study at this time, and Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
8. Ernie Jean, County Superintendent, sent a letter to the Ravalli County Commissioners stating that Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turnaround if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-3)
9. Considering that Eastside Highway is a State-maintained road, the number and size of the lots of the proposal, the use of the lots, and the surrounding uses and lot densities, the Planning Department determined that a bus turnout is not necessary for this subdivision. (Staff Determination)
10. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil, excluding capital, would be \$2,558.50 for the Stevensville School District (averaging Stevensville HS and Stevensville Elem). (Exhibit A-4)
11. *To mitigate impacts on the School District, the applicant shall submit a letter or receipt from the Stevensville School District stating that they have received an (amount) per-lot contribution prior to final plat approval. (Condition 7 and Final Plat Requirement 21) (Staff Note: Since the applicants and the School District did not agree on an amount, staff recommends that the BCC negotiate*

an amount with the applicant and include the appropriate finding(s) supporting the amount in their decision.)

Public Safety

12. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Application)
13. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on December 20, 2006 and January 22, 2008, but no comments have been received from the Sheriff's Office. (Subdivision File)
14. *To mitigate impacts on local services, the subdivider shall:*
 - *Submit an (amount)-per-lot contribution made prior to final plat into an account for Public Safety (Sheriff, E-911, OEM) to mitigate impacts on local services and public health and safety. (Condition 8)*

Emergency Services

15. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly Hospital was contacted on December 20, 2006 and January 22, 2008 but no comments have been received to date. (Application)
16. *To mitigate impacts on emergency services, the subdivider shall meet the following condition:*
 - *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

Water and Wastewater Districts

17. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Application)

Solid Waste Services

18. Bitterroot Disposal provides service to this site. (Application)
19. Notification letters were sent to Bitterroot Disposal requesting comments on December 20, 2006 and January 22, 2008, but no comments have been received. (Subdivision File)

Utilities

20. The proposed subdivision will be served by Northwestern Power Company and Qwest Communications. The utility companies have been notified of the proposed subdivision. (Application)
21. Notification letters were sent to Northwestern Power Company and Qwest Communications requesting comments on December 20, 2006 and January 22, 2008, but no comments have been received by the company. (Subdivision File)
22. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *A notification of utility easements shall be included in the notifications document. (Condition 1)*

- *The applicant shall submit a utility availability certification from Northwestern Power Company and Qwest Communications prior to final plat approval. (Final Plat Requirement 17)*

Roads

23. There are (2) two proposed commercial lots and (1) one proposed residential lot within this subdivision. (Application)
24. The property will be accessed off of Eastside Highway and the internal road, Rio Lane.
25. Eastside Highway, a State-maintained road, will provide access to the subdivision. (Application)
26. The applicant is applying for a variance from hard surfacing Rio Lane. Staff is recommending denial of the variance. With denial of the variance, the applicant will be required to hard surface Rio Lane in accordance with the approved road plans. (Variance Application)
27. The applicant submitted and received an approved approach permit on May 8, 2007 from MDT. (Application)
28. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
 - *The final plat shall show a no-ingress/egress zone along the Eastside Highway frontage of the subdivision, excepting the approach, as approved by the Montana Department of Transportation. (Condition 9 and Final Plat Requirement 2)*
 - *The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction. (Condition 1)*

General

29. Growth may impact the quality of general services that Ravalli County can provide to residents. (Exhibit A-6)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision would add one new home and one new commercial property to an area of existing low density development north of Stevensville. (Plat) (Site Visit)
2. In a letter dated November 9, 2007, the Montana Department of Environmental Quality (DEQ) identified Missoula, Lincoln, and Ravalli County as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could come from vehicles or wood-burning stoves. (Exhibit A-7)
3. *To mitigate impacts on air quality, the covenants shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 2)*

Ground Water Quality

4. The applicants are proposing individual wells and wastewater facilities. (Application)
5. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
6. *The applicant is required to submit documentation from the RCEH stating their approval of the subdivision prior to final approval. (Final Plat Requirement 9)*

Light Pollution

7. The addition of a commercial property and a residential home in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
8. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

9. The applicants submitted a Ravalli County Subdivision Ground Disturbance and Noxious Weed Management Plan that stated the western half of the subdivision been mowed. The only prevalent noxious weed is spotted knapweed with localized areas of common tansey. (Application)
10. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
11. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Application).
12. *To mitigate impacts on the natural environment:*

- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2 and Final Plat Requirement 11)*

Noise Levels

13. In a letter received from FWP recommend a covenant to address the following issue: This subdivision is about one-quarter mile from the extensive riparian areas associated with the Bitterroot River and its slough, where waterfowl hunting could be expected to occur, and there is potential for conflict between the noise from hunting and residents of this subdivision. (Application)
14. *To mitigate impacts of the subdivision being in close proximity to noise from hunting along the Bitterroot River, a notification of the potential noise shall be included in the covenants. (Condition 2)*

Historical/Archeological Sites

16. The application states that there are no known sites of historical significance on the property. (Application)
17. *The covenants shall include an archeological resources section. (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

9. In a letter received November 17, 2005, Fish, Wildlife & Parks (FWP) stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Application)
10. FWP stated that wildlife such as white-tailed deer, fox and skunk are found in the area, as well as possible black bear and possible mountain lion. (Application)
11. The property is not located within big-game winter range. (FWP Data)
12. According to the Montana Natural Heritage Program, Western Spotted Skunk, Bird Rookery and Bobolink were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdivider requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property and negligible impacts for all species. (Application)
13. *To mitigate impacts on wildlife and wildlife habitat, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*
 - *The covenants shall include a provision recommending full cut-off lighting. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Eastside Highway. (Application)
2. The applicant submitted and received an approved approach permit on May 8, 2007 from Montana Department of Transportation. (Application)
3. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

4. The proposed subdivision will be served by the Three Mile Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Application)
5. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

6. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
7. *To mitigate effects on water and wastewater, the following shall be met:*
 - *The DEQ Certificate of Subdivision Approval, RCEH approval, or subdivision review exemption from RCEH shall be submitted with the final plat submittal. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

8. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
9. This subdivision is located .15 miles from the Montana Rail-Link Railroad. (RC GIS)
10. The addition of a commercial property and a residential home in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
11. *To mitigate possible impacts on public health and safety, the following conditions shall be met:*
 - *A notification of the proximity to the Montana Rail-Link Railroad shall be included in the notifications document. (Condition 1)*
 - *The covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety

VARIANCE REQUEST

The subdivider has requested a variance from Section 5-4-5(b)(2), which would require the developer to construct a hard-surfaced road within the subdivision to serve all lots.

Variance Analysis

Section 7-3-5(a), RCSR, outlines two sets of criteria to be used in analyzing a variance request.

Prerequisite Variance Criteria

In order for a variance to be considered for approval, the BCC must first determine that the variance request meets these stipulations:

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

Variance Review Criteria

If and only if a positive determination is made on both of the prerequisite criteria, the BCC may then consider the variance for approval, based on the five variance review criteria:

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
- C. Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).
- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
- E. The variance will not cause a substantial increase in public costs.

Both sets of criteria were reviewed simultaneously. Findings for Prerequisite Criterion #1 are based on an analysis of Variance Review Criteria B and C. Findings for Prerequisite Criterion #2 are based on an analysis of Variance Review Criteria A, D, and E.

Five Variance Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. The applicant is proposing to improve Rio Lane to county standard for roads that serve 3-5 unit subdivisions, except for the hard surfacing requirement. (Variance Application)
2. The road plans, which include plans for hard surfacing, have received preliminary approval from the Ravalli County Road and Bridge Department. (Subdivision File)
3. An access on to Eastside Highway already exists at this location for the existing commercial property. (Site Visit)
4. The Montana DEQ has identified that particulate matter (PM-10 and PM-2.5) "are usually associated with fugitive dust from wind-blown sand and dirt from roadways, fields, and construction sites". The smaller PM-2.5 particles often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana: <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
5. In lieu of hard surfacing the road, the applicant is proposing to apply a dust abatement treatment once a year.
6. The subdivider is proposing an annual treatment of dust abatement; however the County has no way to ensure that it actually occurs.
7. The application includes a letter from the adjoining property owner to the north, Gary Snook, who states that he and his wife do not mind if the proposed road on their common property line is gravel. (Application)
8. In an email dated January 29, 2008, David Ohnstad stated that he agreed that the granting of the variance will be substantially detrimental to the public health, safety or general welfare. He states that air quality is already impacted and any further development on un-paved roadways will only increase that problem. He further states that administering compliance on an "annual application of a dust palliative" would be impossible. (Exhibit A-8)

Conclusion of Law:

Without a guarantee that dust abatement will be perpetually applied to the internal subdivision road, granting the variance may be substantially detrimental to public health and safety.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact

1. The applicant states this property is a unique in that it is proposing a dead end road for these lots and the lot to the North and is only asking for a variance from paving. (Application)
2. There are many paved dead end roads or cul-de-sac roads that serve 3-5 lots in the county.
3. In an email dated January 29, 2008, David Ohnstad stated the conditions on which the request is based are not unique to this property. (Exhibit A-8)

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevents the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. The applicant states the only condition which would prevent the building of the roadway to county standards is the cost involved. (Variance Application)
2. There do not appear to be any physically limiting conditions that would prevent the subdivider from meeting the strict letter of the RCSR. (Site Visit, Staff Determination)
3. In an email dated January 29, 2008, David Ohnstad stated physical conditions do not prevent the applicant from meeting the regulations. (Exhibit A-8)

Conclusion of Law:

Physical conditions do not prevent the subdivider from meeting the strict letter of the regulations.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres. The application complies with the interim zoning regulation. (Resolution 2038)
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

Countywide Policy 4.4: Improve and maintain existing infrastructure and public services.

Countywide Policy 4.5: Developers will be responsible for providing the infrastructure necessary within the development such as water, sewage

treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs.

- The construction of a hard-surfaced road would constitute a longer lasting improvement to the internal road than would a yearly treatment of dust abatement.

Conclusions of Law:

1. The proposal complies with the interim zoning regulation.
2. Provisions in the Growth Policy do not support granting the variance request.

E. The variance will not cause a substantial increase in public costs.

Finding of Fact:

1. The costs associated with improving the road is a private costs to be borne by the developer. (RCSR 5-1-6)
2. In an email dated January 29, 2008, David Ohnstad stated there will be an increase in public costs if the variance is approved. He states that the cost of meeting air quality standards will fall to property owners throughout the county. (Exhibit A-8)
3. MDEQ has identified that Ravalli County fails to meet the National Ambient Air Quality Standards for Particulate Matter. As a result, the County may be required to submit a federally enforceable air pollution control plan to the EPA for approval. (Exhibit A-7) While the granting of this variance may contribute to poor air quality, there is no evidence that it will be the sole cause of Ravalli County being designated a "nonattainment area".

Conclusion of Law:

The granting of the variance does not appear to substantially increase public costs.

Prerequisite Variance Criteria

A. Strict compliance with these regulations will result in undue hardship.

Finding of Fact:

Criteria B and C of the variance criteria were used to determine whether or not there is a hardship. There do not appear to be special conditions unique to this subdivision that would necessitate strict compliance with the regulations.

Conclusion of Law:

Strict compliance with these regulations will not result in undue hardship.

B. Compliance is not essential to the public welfare.

Finding of Fact:

Criteria A, D, and E of the variance criteria can be used to determine whether or not compliance with Section 5-4-5(b)(2) is essential to public welfare. Criterion A and D find that compliance is essential to the public welfare, while Criterion E does find that compliance is not essential to the public welfare.

Conclusion of Law:

Compliance is essential to the public welfare.

C. Overall Findings and Conclusions on Hardship and Public Welfare

Findings of Fact

1. Strict compliance with these regulations will not result in undue hardship.
2. Compliance is essential to the public welfare.
3. There is an overall negative finding on the variance review criteria.

Conclusion of Law

The variance application does not provide evidence that there is an undue hardship, nor that compliance with the RCSR is essential to the public welfare.

Commissioner Grandstaff opened public comment, hearing none, closed public comment. She opened Board deliberations for the variance request.

Commissioner Chilcott made a motion that the variance request from Section 5-4-5(b)(2) of the Ravalli County Subdivision Regulations, which would require the developer to construct a hard-surfaced road within the subdivision to serve all lots be denied based on the findings of fact and conclusions of law in the Planning Staff Report. Commissioner Driscoll seconded the motion. All voted 'aye'.

Commissioner Grandstaff opened Board deliberations for the subdivision. Commissioner Rokosch stated he has some concerns with the school contribution and the individual wells. He stated since there is no one present for mitigation, he would like to continue this meeting. Commissioner Chilcott stated the second letter from the school district is confusing. Commissioner Rokosch stated the average contribution is \$1,280. Commissioner Grandstaff requested the contribution be made upon final plat approval. Randy stated the contribution is for the new residential lot only.

Commissioner Rokosch made a motion to continue Sunnyside Orchards #3 Block 9 Lot 4 AP (Carleton) Minor subdivision until February 25th at 9:30 a.m. Commissioner Chilcott seconded the motion. All voted 'aye'.

Minutes: Glenda Wiles

► Ron Skinner of the Ravalli County Veterans Service Center with the Board for an overview of the services the Veterans Center provides to the county. Ron noted they assisted over 600 veterans that needed help filing their disability claims and getting into the Montana Health Care System. This center provides a positive outreach in the community. Due to the generosity of the citizens in Ravalli County, their budget is in the black this fiscal year.

In 2007, Ron noted approximately \$496,000 in disability monies had come into Ravalli County for the veterans. Discussion included Veterans receiving both Veteran and

medical care and how those services are provided to the Veterans and their families. Ron stated he started this service center because the Veterans were not being serviced properly. Currently there are 5,300 veterans in Ravalli County. The Veterans Association assisted with funding, plus they received volunteer monies. The Human Resource Center gave them some space. He is looking into the use of Vision Net Software for 'Freedom Calls' which will allow families to video conference and communicate with their service men. This Vision Net will also allow Ron and other service centers the ability to assist veterans in their claim reviews with the Veterans Administration. He stated the cost of this Vision Net will be around \$3,000 and he hopes to find this funding. If he can not find the funding, he will pay for this software himself.

Ron stated they have seen over 1,600 veterans over the past year and a half. They have attempted to receive State financial assistance but the State feels the 16 State Service Officers are providing the needed services through out the state. The State Service Officer visits Ravalli County once a month and spends more time in Missoula County. Ron stated the State Service Officers do not provide enough service to the Veterans.

Commissioner Grandstaff agreed the State does not provide enough services and what they do provide is very confusing.

Ron stated when a Veteran asks for help, they really need help. The local Ravalli County Veterans Service Center helps them with any needs they have, from medical assistance to housing. He stated most of the Veterans they serve are Viet Nam Veterans, but they are beginning to see Iraqi Veterans. He stated they also work with families and survivors of the Veterans.

Commissioner Chilcott asked if there were any letters of support the Commissioners could provide in order to assist this local Veterans Service Center. Ron indicated at some point some letters of support will become necessary. Commissioner Driscoll felt the County should be lending some financial assistance and they might look at this during the 2009 budget year. Ron stated he is not asking for anything today but he may be back in the future if their monies dwindle. Ron stated this local Service Center is a true grass roots effort that has not been successful in any other part of the United States. U.S. Senator Jon Tester has taken up the fight at the federal level. Commissioner Driscoll suggested the Commissioners take up the fight at the local level.

► The Board met to open the proposals for the Professional Civil Engineering Services. Present at this meeting was Road Supervisor David Ohnstad. David stated the award is not contingent upon the price but upon the criteria (level of services) in the Request for Proposals which include prices. David noted the PCI proposals were not in a sealed envelope. David further noted an Interview Committee was utilized last year to review the proposals and make a recommendation to the Commissioners.

Two proposals were received as follows:

- PCI Engineering which included the project management chart, experience, resumes, and 2008 rate schedule.

- WGM Group which included the experience, qualifications of personnel and rate schedule.

Commissioner Chilcott made a motion to accept all of the proposals and forward the proposals to David for the Committee Review. Commissioner Driscoll seconded the motion and all voted “aye”.

► The Board also opened the proposals for the Professional Land Surveying Services. Three proposals were submitted as follows:

- Alcyon LLC which included the experience qualifications of personnel and rate schedule
- WGM Group which included the experience, qualifications of personnel and rate schedule
- PCI Engineering which included the project management chart, experience, resumes, and 2008 rate schedule

Commissioner Driscoll made a motion to accept the proposals from PCI that came in an unsealed envelope. Commissioner Chilcott seconded the motion and all voted “aye”.

Commissioner Chilcott made a motion to accept the proposals and forward the proposals to David for the Committee Review. Commissioner Driscoll seconded the motion and all voted “aye”.

► Sheriff Chris Hoffman stopped in to visit the Commissioners briefly about this afternoon’s mental health commitment that Marcus Daly Hospital requested guard duty for. This particular incident is with a 60 year old woman who is not even 5’ tall. He stated they will probably be transporting this woman to Warm Springs. With heavy snow fall and icy streets; he is faced with over time for his Officers or rejecting Marcus Daly’s request for their assistance. He stated he feels the Sheriff’s Office is being asked to baby sit this woman so the hospital can save money. Sheriff Hoffman stated he has visited with the County Attorney on this issue and the County Attorney suggested both Sheriff Hoffman and the Commissioners make a phone call to Hospital Administrator John Bartos stating the Sheriff will not provide those guard duty and transport services.

Sheriff Hoffman stated this woman is not in need of law enforcement assistance. He further noted over the weekend the Hospital called Deputies to guard three patients and Mental Health adjudicated those three patients *‘as not in need of emergency mental health’*.

It was agreed Commissioner Driscoll will participate in the conference call with Sheriff Hoffman.

► In other business the Board met with Planning Director Karen Hughes. Also present at this meeting were Ben Herman and Planner Shawn Morrell. Karen stated Ben Herman was present in order to present an over view of the Values Mapping Project.

Ben attended the North Valley meeting in Stevensville last night. There were over 100 residents at this meeting. Ben stated they visit with the residents about the process of zoning and how the mapping for land suitability works. Discussion included this project and process.

Karen gave the Commissioners a general update on the zoning process that is occurring which included the public input from the valley wide meetings. Karen stated they are following up on the legal questions for city-county collaboration, protest provisions and cluster development standards within the regulations.

Karen also noted the Commissioners need to re-sign the Clarion contracts so they can be paid. The original contracts were misplaced in transit and the Clerk and Records Office needs an original.

Karen also suggested the Commissioners respond to the Clarion proposals and diagnosis so they will know how the Commissioners feel. This was placed on the calendar for Feb 20th.

Shawn addressed the Montana Public Radio Commentary and KLYQ Radio in regard to a series for zoning. There will be four segments at 10 minutes each that will air during the week. For one or two of the segments, they would like a Commissioner to participate. Commissioner Grandstaff stated she will participate in this. Shawn will contact KLYQ for a time when Commissioner Grandstaff can participate in the zoning series and Commissioner Grandstaff will contact Montana Public Radio for a time to present her 'talking points'.

Karen also noted it is time to re-apply for the Brainard funds through the Land Trust. The written narrative has not been change too much. She will submit the request prior to Board approval in order to meet their deadline. The baseline zoning project reflects the new work plan. The two programs they will change from the prior request are the:

- Streamside Management Project (also called Phase 2 Streamside Setbacks) – focusing on the regulatory measure. The time line for the regulatory measure will be of interest to the Commissioners. This might be something that can be tagged on to Clarions contract for baseline zoning. That would be a great assistance to the planning staff. The adoption could happen as early as February 2009.
- Open Lands Planning (changed to Rural Resource Planning Program) – programs & services etc. for rural land owners which does not just include the Open Land Bond. This would allow for a network of the various boards such as Right to Ranch and Farm Board, Open Lands Board etc. This will provide for the broader needs of the landowners.

Karen noted they have already starting meeting with the various boards such as the Right to Ranch and Farm, Irrigation Groups, Fire Counsel etc., in order to discuss the tools available for land use.

Karen also estimated some budget issues on the zoning project. For FY 2009 she estimated the proposed enhancements and county match. She also made a comparison of last year's (enhancement) proposal and this year's proposal.

In June the estimation was \$161,000; adding 6-months would bring the figure up to \$190,000. Discretionary cash fund requests are coming in from the various CPC for mailings etc. Karen stated the preferred approach is to have a county wide mailing.

Discussion included the open process for zoning information for the residents.

Voluntary Zoning District petitions were also discussed for those that are on the table and those that are forthcoming. The Commissioners agreed they should move forward with the one district (Canton) that already has the boundaries established but not the regulations. They will discuss other petitions that might come forth during the base line zoning process.

Feb 7, 08 Planning update



THE RAVALLI COUNTY COMPREHENSIVE PLANNING PROGRAM _UPDATED- PROPOSAL NARRATIVE

PROBLEM STATEMENT

Ravalli County was the fastest growing county in the State of Montana between 1990 and 2000 and it has remained among the top five fastest growing counties in the state for population growth since 2000; however, this county struggles to effectively fund the growth management programs that are critical to maintaining this incredible place and the closely related quality of life of the people who live here.

Ravalli County is a place defined by the single watershed of the Bitterroot River that bisects a relatively small peninsula of private lands surrounded by public lands (approximately 73% of the county is federal land). It is these natural amenities, as well as the working agricultural lands of the Valley, that draw people to this area to enjoy the scenic views and the recreational opportunities. Other factors contributing to growth in the Valley include:

- The retirement of the Baby Boomer generation that is looking for areas with amenities found in places like the Bitterroot Valley
- Economic prosperity and first class collegiate educational opportunities in the Missoula urban area that draws people to Ravalli County who prefer to make their homes in a more rural setting
- Expansion of GlaxoSmithKline, the Rocky Mountain Laboratories, a bio-safety level 4 research facility, and US Highway 93
- The potential development of a destination ski resort in Missoula County between Lolo and Florence

Challenges for growth management in Ravalli County include lack of commercial and industrial lands that would better help finance County services, consistently high subdivision review workload¹, and an annual potential for decrease of federal funds available to local government that would cripple funding of local services.

Project partners have historically recognized the importance of public lands, water quality and air quality as primary contributors to quality of life. However, active support by a broad segment of the community for a combination approach to growth management that includes regulatory tools as well as incentives is relatively new.

¹ The subdivision review workload was temporarily reduced with the institution of countywide zoning, which affected approximately 25 subdivisions in process. Of that number, 15 subdivisions are being reviewed due to the outcome of a settlement of a lawsuit over the application of the interim zoning. There is a third party lawsuit over the settlement agreement. There is also the potential to settle on a few of the remaining subdivisions that were party to the lawsuit, which could mean re-activation of a few more subdivisions. Furthermore, due to the enactment of countywide zoning, the typical subdivision fees that help fund the Planning Department have been significantly reduced, which is anticipated to continue while the zoning is in place.

After several failed attempts to develop a new comprehensive plan, the County successfully created a Growth Policy (typically called a comprehensive plan or master plan in other states) utilizing a broad-based community involvement process. Part of the Growth Policy demographic and economic analysis was based on a needs assessment conducted by Dr. Larry Swanson of the Center for the Rocky Mountain West at the University of Montana. At that time Dr. Swanson emphasized the need for Ravalli County to move forward with growth management planning to address growth issues and protect the economic vitality of this area. The Growth Policy was adopted by the Board of County Commissioners in 2002 (amended in 2004 - <http://www.ravalliacounty.mt.gov/planning/growthpolicy.pdf>) and it officially established the following goals, which were supported at the polls by voters in the November 2004 election:

- 1A. Promote public open space, recognizing agriculture and forestry as valued land resources.
- 1B. Promote private open land, farm land, ranch land, and recognition of agriculture and forestry as valued land resources.
2. Protect water quality and supply.
3. Protect air quality.
4. Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.
5. Protect and enhance natural resources and public open space.
6. Promote and encourage a vibrant, sustainable, healthy economic environment that recognizes existing businesses and attracts new entrepreneurs.
7. Plan for residential and commercial development.

In 2006, the Right to Farm and Ranch Board and the Bitter Root Land Trust collaborated to explore in more detail the state of working agricultural lands and conservation issues through an agricultural study. The study was intended to follow up on the original needs assessment completed for Ravalli County by Dr. Larry Swanson and it included a data analysis and assessment component, but it also provided for a series of broad-based community meetings to learn about growth, issues facing the County related to growth, and an examination of different opportunities and tools the County and various organizations might utilize for addressing growth. Dr. Larry Swanson and Dave Schultz helped complete the initial phases of this project which further assessed the state of the Valley. (<http://www.bitterrootlandtrust.org/index.php?id=46>) Dr. Swanson's new study built on his earlier needs assessment and he recommended three key tools for addressing agriculture issues in particular and growth in general. To best protect agricultural lands, Dr. Swanson recommended:

1. Public education about area agriculture
2. Agricultural marketing and promotion
3. Planning for growth including

- a. Guiding housing and commercial development nearby and within established population centers;
- b. Keeping development in outlying areas relatively sparse or clustered;
- c. Clustering homes and preserving larger areas as pasture lands, or other open land areas;
- d. Passing an open space bond to protect key open landscapes; and,
- e. Developing streamside setbacks to protect streams and waterways.

The final phase of the Agricultural Study project is to work with the community to develop and implement strategies to address the identified issues and this phase of the project has not yet been completed.

Ravalli County, as it has grown and changed, has demonstrated that it seeks balance between protecting the natural amenities of the Bitterroot Valley and encouraging the growth of thriving communities. This balance appears to be aligned with the mission and values espoused by the Brainerd Foundation. One of the primary difficulties for Ravalli County has been to implement proactive growth management programs in accordance with the pace of growth, while continuing to keep up with the mandated regulatory workload (subdivision review, floodplain permit review, etc.).

None-the-less, it appears the time is now to put in place critical measures that can protect the attributes of the Bitterroot Valley that make this a phenomenal place to live and drive the economic vitality of the area. In order to do this effectively, we must have experienced and steadfast program coordination and leadership, high quality data and analysis upon which to make decisions, and a broad-based community outreach and engagement process guiding community decision makers.

MISSION

The Bitter Root Land Trust is a private, non-profit organization that partners with landowners to conserve clean water, wildlife habitat, and working farms and ranches in and around the Bitterroot Valley for the benefit of this and future generations.

BITTER ROOT LAND TRUST HISTORY

- Bitter Root Land Trust Founded: 1997
- Ratification of Land Trust Alliance Standards: 2003
- Acres Protected as of 2006: approximately 1,000
- Number of Easements held as of 2006: 11
- Full Time Executive Director Hired, August 2005
- Comprehensive Estate Planning Education for 60 farm and ranch families: Fall 2005
- Stream Restoration, fall 2005: ½ mile of stream fenced, 2000 riparian and upland trees & shrubs planted with browse protectors. (95% vegetation success rate 2006)
- Landowner Brochure Produced, Summer 2005: Ponderosa Pine Restoration in the Bitterroot-Selway Ecosystem

- Legal Review of all existing easements and easement template: Winter 2006
- Completion of the Impacts of Agriculture Study resulting in the Ravalli County Open Lands Program: 2006

The Bitter Root Land Trust (BRLT) works to protect the County's clean water, wildlife habitat, and working lands by providing land conservation and stewardship tools and services to landowners, partner organizations, and government agencies. Ravalli County is one of the fastest growing communities in Montana. The demand for housing and a fractured land use pattern drives much of our growth away from the Valley's town centers. Farmers and ranchers, who have struggled to make a living raising cattle and grain, are faced with choosing between a comfortable retirement or maintaining a cultural heritage they love. The Bitter Root Land Trust addresses the community's challenges with urban conservation programs that alleviate development pressures on rural lands and rural conservation tools that provide farmers and ranchers with conservation-based alternatives to development and subdivision.

The Bitter Root Land Trust's role in the Impacts of Agriculture Study reflects the organization's ability to address the community's needs through this project.

PROJECT GOALS

Given the growth pressures that are anticipated to continue into the future, the results of the Agricultural Study, the support from the Growth Policy, and the successful planning-related initiatives on the ballot, a comprehensive planning program has been developed for the Bitterroot Valley that will implement the goals and many objectives of Ravalli County Growth Policy and includes the following items as top priorities, among many other planning activities, over the next two years:

- **Increase public involvement in the planning processes** that focuses on developing the capacity of local government and residents to effectively engage in growth management issues that protect key amenities and provide the basis for efficient expansion of infrastructure and services
- **Develop a Countywide zoning program** that in the first year and a half will focus on basic Countywide regulations to create a basic development pattern in the County that addresses density and land use and includes very basic design standards such as yard setbacks and building heights
- **Develop a rural resource planning program** that will provide guidance to expenditure of the Open Lands Bond as well as development of appropriate zoning and other planning tools and rural resource services that address key rural issues and provide for protection and enhancement of agricultural lands, wildlife habitat and surface water resources
- **Update and modernize subdivision regulations and other regulatory tools** to include best practices for growth management in rural areas such as cluster development standards and conservation subdivision design options that will

complement the baseline Countywide zoning project and rural resource planning efforts

PROJECT OBJECTIVES

In the long term, the Countywide Planning Program will provide for increased capacity of planning department staff, public leaders and the citizens to initiate and engage in planning activities; an enhanced ability among citizens to engage in civil discourse about growth management and other planning issues; and a foundation of basic planning and zoning tools that implement the goals of the Ravalli County Growth Policy and upon which the community can build.

The following short-term objectives and associated action items, to be reached during the grant period, will contribute to the implementation of the above stated long-term strategy:

- 1. Work with professional planning consultants as needed to provide increased depth of experience and capacity to the Planning Department for project management, coordination and technical assistance for the following project components:**
 - a. Countywide baseline zoning
 - b. Streamside setbacks
 - c. Open Lands Program Planning
 - d. Update and modernize subdivision regulations

Action Item 1– Contract with a planning consultant to manage and help staff the Countywide zoning project by providing technical assistance, development of appropriate regulations, outreach and public engagement. This action item will help infuse the project with additional professional planning staff specifically trained in zoning and rural planning issues, as well as relieve the Planning Director of some project management responsibilities. There are few local firms or individuals that conduct this type of work, but there are opportunities for an outside firm to partner with a smaller firm, such as the Public Policy and Research Institute at the University of Montana, specializing in outreach and public engagement activities that may help ensure that the activities and the project work plan are appropriate to the area. A consulting firm will need to:

- i. Evaluate the program to date and integrate seamlessly into the existing program that is underway.
- ii. Design their role such that they partner with Bitter Root Land Trust, planning staff, Planning Board members, elected officials, community planning committees and other citizen planners to develop local capacity for working on land use planning and zoning on this project and future projects.

- iii. Work closely with subcontractors providing data analysis assistance to help determine how to best involve the public in the data analysis component of the project and utilize the results of the data analysis in outreach efforts and as the basis for public engagement activities.
- iv. Provide for immediate implementation of the zoning, once adopted, by training Planning staff and other interested parties and providing educational and administrative materials.

Action Item 2 - Provide start-up funding for coordination and technical assistance associated with the Rural Resource Planning program, with particular focus on identifying and developing land use planning tools (regulatory and non regulatory) that offer viable options to large land owners and for land conservation in rural areas, development of streamside protection measures, and create a foundation for future Open Lands Bond Initiatives.

Action Item 3 – Contract with a planning consultant to update and modernize the Ravalli County Subdivision Regulations to incorporate incentives and best management practices for subdivision design and growth management in rural areas, such as cluster development standards and conservation subdivision design options, that will complement the Countywide baseline zoning project and the rural resource planning efforts.

2. Dedicate increased resources for data gathering and evaluation to provide for more sophisticated modeling that will inform the development of regulations and policies specific to:

- a. Countywide baseline zoning
- b. Streamside setbacks
- c. Open Lands Program Planning

Action Item 1 – Increase the scope of work for the GIS consultant to include additional data evaluation and modeling specific to each of the aforementioned projects. For the Countywide baseline zoning project, provide more sophisticated modeling than the current investment can produce. Also, increase resources available for modeling different build-out and/or density scenarios to help all parties gain a better understanding of development densities and the potential outcomes of choices made regarding establishing zoning districts in different areas. For the Open Lands Program and streamside setback proposal, build on the GIS analysis and modeling work associated with the Countywide baseline zoning to provide some baseline information to support these projects. *(Note: it is anticipated that most of this work was completed with year one funding, but other needs may arise as we move forward with this program.)*

3. Enhance a coordinated public outreach campaign and increase opportunities for public engagement in the Countywide Planning Enhancement Program through the use of trained facilitators, increased accessibility of professional planning staff in local communities, and improved accessibility to information about County planning programs and projects.

- a. Countywide baseline zoning
- b. Streamside setbacks
- c. Open Lands Program Planning

Action Item - Expand the current outreach program to include such items as countywide mailings, newsletters, brochures, as well as redesign of the County website to make it more user friendly and provide accessible opportunities for input. Encourage public engagement in planning processes by providing for trained staff and independent facilitators, as needed, consistently to local citizen groups in each planning area within the County. Provide additional resources to support outreach and engagement activities such as educational and outreach materials, a laptop, projector, and GIS license.

PROJECT CHALLENGES AND LIMITATIONS

The key limitations for moving the identified project forward in a timely, comprehensive, and sustainable manner include a lack of capacity for project management and technical planning assistance, limited funding for data analysis, and additional resources needed for effective public outreach and public engagement activities.

The County has assessed the limited resources available given these needs and other priority programs and services supported by local government funding and re-allocated additional staff and financial resources to help support a very ambitious planning program. However, it is simply not enough to keep pace with growth and deal with the existing backlog of work. (The initial plans to work towards the planning program priorities are memorialized in a series of documents that include the Countywide zoning work plan, preliminary financial proposal and proposed allocation of staff time. <http://www.ravallcounty.mt.gov/planning/CountywideZoning.htm>) To accomplish the stated priorities in a timely fashion and truly build a sustainable comprehensive planning program that implements the Ravalli County Growth Policy and the Agricultural Study, Ravalli County needs additional resources, even one-time infusions, to help develop its capacity to deal with growth issues.

EVALUATION

In order to monitor the progress and success of the planning program, the public, project manager(s), major partners, and grantors will use the timeline, work plan, and budget to gauge results. If it is found that the project is not meeting its intended targets at any point, then the

project manager(s) will be responsible to evaluate the project as it stands, recognize the situations that have resulted in the project not meeting its intended targets, and modify the future work plan, timeline, and/or budget to reflect successful implementation despite setbacks. In addition to these efforts, a project oversight committee will be developed to help track the Planning Program. As adjustments need to be made to the program due to funding availability and/or progress on work plan, they will be responsible for providing recommendations to the Bitter Root Land Trust regarding funding and to Ravalli County regarding adjustments to the scope of work. Benchmarks have also been identified to help this committee, the public, project managers and any potential program partners in tracking progress on the various planning activities.

Oversight Committee

The Bitter Root Land Trust shall create a project oversight committee that will closely monitor

1. Expenditures of private contributions toward the comprehensive planning project
2. Project performance with respect to identified benchmarks within the approved scope of work.

Full details of this committee's duties, responsibilities, and authority are defined in the attached document labeled Exhibit A.

Benchmarks

Benchmarks or key milestones are thresholds that are typically established to help track the progress of a particular project or program. Given the number of planning program activities that are suggested to be underway simultaneously, it makes sense to establish benchmarks that will help the public, the County, financial and other partners, and project managers track various planning program initiatives. They will help us all to identify successes as Ravalli County moves forward with this program and they can also help us to identify when the program needs to be re-evaluated and the work plan adjusted. Although most of this proposal has been focused on enhancements to the Ravalli County Planning Program that will help move the program past its typical priority of mandated reviews this section also includes suggested benchmarks for the mandated planning program activities.

Benchmarks are typically tied in to a work plan to help understand not just if the project is progressing, but if the project is progressing in a timely fashion. At this time, only the countywide baseline zoning project as the top priority project has a detailed work plan associated with it. For the streamside setbacks, Open Lands Program planning and Update and Modernize Subdivision regulations projects, these benchmarks are not yet tied into a more detailed work plan. As additional funding for these projects becomes available the more detailed project plans and benchmarks will be developed.

See Exhibit B for the benchmarks and timeline associated with each project in the Ravalli County Comprehensive Planning Program.

OFFICERS, BOARD AND STAFF

Board President

- **John H. Ormiston**, Wildlife Biologist
Affiliations: Board Member-Bitterroot Kiwanis, Secretary of the Bitterroot Audubon Society, Board Member-Ravalli County Fish and Wildlife Association, member and past Chairman of the Ravalli County Parks Board, Co-Chairman of the Bitterroot Banquet Committee of the Rocky Mountain Elk Foundation, Treasurer of the Rapp Family Foundation

Board Vice President

- **Kathryn Good**
Affiliations: Department Supervisor at the Ravalli County Fair; member of the 2006 Treasure State Art Show Organizing Committee, Secretary and Board Member- Bitter Root Humane Association

Board Secretary

- **Karen Talbot**, Commercial grower of certified organic produce
Affiliations: Board Member -Greater Ravalli Foundation

Board Treasurer

- **Gail Goheen**, Attorney

Board Members

- **Gavin Riklefs**, Attorney
Affiliations: Member of Trout Unlimited
- **Ross Rademacher**, President and CEO of Maverick Marketing Group
- **Tonia Bloom**
Affiliations: Corvallis School Board Member since 1987, Volunteer Coordinator of the Corvallis Reading Is Fundamental Program, Board Member-Corvallis Schools Foundation, Board Member and Secretary-Corvallis Civic Club, President - Malone-Kenney Ditch Users Association, Member (and past-president)- Ravalli County League of Women Voters
- **Doug Nation** Analytical Chemist
Affiliations: Trout Unlimited Member
- **Wayne Hedman (to be completed)**
- **Tori Nobles**
Affiliations: President-Corvallis American Legion Auxiliary, Member Trout Unlimited, Member Ducks Unlimited, Member Appaloosa Horse Club, Volunteer Teller Wildlife Refuge
- **Steve Benedict**, Broker/Owner, GMAC Realty
Affiliations: Vice President Board of Directors-Bitterroot Therapeutic Riding, Bitterroot Valley Chamber Member, Bitterroot Backcountry Horsemen Member,

Bitterroot Valley Board of Realtors, Rocky Mountain Elk Foundation Life
Member, Bitterroot Builders Association

Staff Qualifications

See attachments:

Attachment 1 - Kier

Attachment 2 - Hughes

OTHER SOURCES OF FUNDING

See attachment:

Attachment 3 – Percentage Break-out

As noted above, as the strategic priorities were established and a work plan for the Countywide Zoning Project was adopted, the Ravalli County Planning Department and the Board of County Commissioners re-allocated funding to support these efforts. The Planning Department also initiated discussions with interested community members to discuss other opportunities for funding this overall planning program both to address the current priorities and to provide a long term stable funding base that will allow this program to be sustainable. It has been assumed that any funding that might come from the Brainerd Foundation would be matched by other agencies, organizations and individuals. Towards that end, the following opportunities have been pursued in order to support planning activities:

- Montana Community Development Block Grant (CDBG) Planning Grant for approximately \$15,000 – submitted April 20th and a response to the application is anticipated in July. A CDBG planning grant was anticipated to be an original source of the Countywide Zoning Project funding. It is considered to be essential to the original zoning work plan and not a source of funding for any additional budget items. Funds are designated to support data gathering and development of a land suitability analysis for the Countywide Zoning Project. – grant was obtained, as proposed.
- Revised Fee Schedule Proposal – Adopted by the Board of County Commissioners on May 7th. The purpose of the fee schedule is to achieve 100% coverage of project review costs. Unfortunately, while the interim zoning is in place, staff expects revenues to drop which will add to the difficulties for funding the Planning Department.
- Conservation and Resource Development Division (CARDD) Grant through the Montana Department of Natural Resources and Conservation for \$100,000 towards LiDAR mapping for the northern half of Ravalli County. Grant application was successful and funds should be released in summer 2007. A second application will be submitted for funds anticipated to be released in summer 2009.
- Preparation is underway for the Planning Department's FY 2007-2008 budget. Initial budget hearing was May 7th. Adoption usually occurs around September or October.

This proposal covers the staffing and operations of the entire Planning Department and it includes the funding for the Ravalli County match of the current budget proposal. – The Planning Department was funded as requested and it endeavors to absorb as many project-related costs as possible.

- Private Donations – initial discussions with a funding resources committee indicated there was positive interest in the community if the funding was routed through a private non-profit corporation, such as the Bitter Root Resource and Conservation District (RC&D) or the Bitter Root Land Trust. A small group of individuals have stated that investment of \$50,000-\$100,000 by the local building industry, or individuals associated with this industry, to match a Brainerd Foundation proposal would be a real possibility. To date, supporters of this project are continuing to secure local investment in this project.
- Other grants – As time allows, staff continues researching grant opportunities to support the County's planning program.
- Planning levy – Initial research has been conducted by staff and committee volunteers for this potential long-term funding tool. Additional research regarding potential benefits and shortcomings needs to be completed.

Please note that the total budget is more than the Brainerd Foundation's preliminary suggested investment of \$100,000 per year for two years because it is assumed that other investors, such as the local building industry, will come forward as well. The budget concept shows the proposed amounts the County's commitment to the planning program as well as proposed program funding from the Brainerd Foundation and other donors and commitments by other grantors (includes grants received and the proposed CDBG grant).

BUDGETS

See Attachments:

Attachment 4 – Organizational Operating Budget 2007

Attachment 5 – Project Budget

FINANCIAL STATEMENTS

See Attachments:

Attachment 6 – YTD Revenue and Expense

Attachment 7 – Balance Sheet

NON-PROFIT STATUS

See Attachment:

Attachment 8 – IRS Letter

BITTTERROOT NATIONAL FOREST ROUTE INFORMATION

Comparison of Proposed and Existing Miles Open and Closed to Wheeled Motorized Access within the Project Area (Excludes Wilderness)

	Existing Condition (Miles)	Proposed Action (Miles)	Net Change (Miles)
Total roads & trails open to motorized vehicles*	2,851	2,487	-364
Total roads & trails closed to motorized vehicles	1,906	2,270	+364
TOTAL MILES of ROADS & TRAILS	4,757	4,757	

*NOTE: This number includes 166 miles of user-created routes that motorized use groups asked us to consider keeping open. There are more than 166 miles of user-created routes, but these were the ones evaluated in developing the proposed action.

Comparison of Proposed and Existing Wheeled Motorized Access by Vehicle Type

Vehicle Class and Season Availability	Existing Condition (Miles)	Proposed Action (Miles)	Net Change
Routes Open To Motorized Access	2,851	2,487	-364
1. User-created routes that were evaluated*	166	0	-166
2. Roads open to all vehicles, Yearlong or Seasonally (Mixed-Motorized Use)	10	25	+15
3. Roads open to highway legal vehicles only, Yearlong or Seasonally	1523	1479	-44
4. Trails open to vehicles 50" or less in width, Yearlong or Seasonally	717	746	+29
5. Trails open to motorcycles, Yearlong or Seasonally	435	237	-198

*NOTE: As requested by motorized use groups, the Forest Service evaluated 166 miles of user-created routes in developing the proposed action. Of those, 17 miles are proposed for motorized access (15 miles for 50" or less vehicles, 2 miles for motorcycles); the rest are proposed for non-motorized use. The miles proposed for motorized access would become part of the Forest's official road and trail system, and thus show in items 4 and 5, not item 1.

MORE INFORMATION ON BACK...

BITTTERROOT NATIONAL FOREST ROUTE INFORMATION (CONTINUED)

Roads Proposed for Yearlong Closure that are Currently Open Yearlong to Highway Legal Vehicles

Route #	Name	Mileage
640	Threemile	1.4
321	North Rye	3.2
446	Robbins Gulch	1.6
13272	Timber	0.8
13272A	Timber	0.2
13273	Little Trapper	0.5
13274	Little Trapper	1.0
13278	South Trapper	0.5
62865	Little Trapper	1.6
TOTAL MILES		10.8

BITTTERROOT NATIONAL FOREST MANAGEMENT AREA INFORMATION

Under the current Forest Plan (1987):

Total acres on the Forest: 1.6 million acres (1,586,914 acres)

47% (747,062 acres) of the Forest is in designated Wilderness Areas, where no motorized or mechanized use is allowed.

26% (405,187 acres) of the Forest is within inventoried roadless areas, where motorized use is allowed on designated routes or areas. The Wilderness Study Areas (Blue Joint and Sapphire) fall within this category.

27% (434,665 acres) of the Forest is outside Wilderness and inventoried roadless areas, where motorized use is allowed on designated routes or areas.

BITTERROOT N.F. TRAVEL MANAGEMENT QUESTIONS AND ANSWERS

Question: Are we locked into the Jan. 31, 2008 date for comments?

Answer: The due date for comments has been extended to Feb. 29, 2008.

Question: What is the status of the Bitterroot Forest Plan revision?

Answer: The Forest Plan revision is on hold due to a court ruling. No decisions have been made regarding changes to the Forest Plan. The 1987 Forest Plan is the Plan in force right now.

Question: What happened to the input provided by the public during the recent Forest Plan revision meetings? How does travel management relate to that?

Answer: The comments and input provided by the public as part of the Forest Plan revision process were used in developing the proposed action for travel management. In particular, where the Forest Plan community groups identified some areas of common ground, many of those ideas were brought forward into the travel management proposal.

Question: What resource issues were considered when proposing changes in route designations?

Answer: The resources considered were:

- Cultural or heritage resources
- Water quality
- Soils
- Threatened, endangered or sensitive wildlife species
- Sensitive plants
- Invasive plants
- Recreation

Question: What is the 2001 Tri-State Off-Highway Vehicle Decision?

Answer: This decision, signed by the Regional Forester in January 2001, closed the Bitterroot N.F. (and other Forests) to cross-country travel by wheeled motorized vehicles. Existing user-created routes were left open, but no new user-created routes were legal after the decision was signed.

Question: Can we appeal the travel management decision?

Answer: Those who comment on the DEIS during the comment period may appeal the decision. The DEIS will be produced after gathering all the comments on the proposed action. The DEIS will include alternatives to the proposed action reflecting public concerns.

Question: Will the DEIS include the Forest's roads analysis?

Answer: Yes.

Question: Which groups did we meet with as part of developing the proposed action?

Answer: Backcountry Horsemen, Ridge Runners Snowmobile Club, Ravalli County Fish & Wildlife Association, Ravalli County Off-Road User Association, Quiet User Coalition, and Montana Fish, Wildlife & Parks.

Question: What is the definition of a trail?

Answer: (Road definition added for clarification –from the Travel Management Proposed Action Scoping Document)

Road – A motor vehicle route over 50 inches wide, **unless identified and managed as a trail.**

Trail – A route 50 inches or less in width or a route over 50 inches wide that is **identified and managed as a trail.**

Designated road, trail or area – A National Forest System road, a National Forest System trail, or an area on National Forest System lands that is designated for motor vehicle use pursuant to 36 CFR §212.51. A designation for a road or trail includes all terminal facilities, trailheads, parking lots, and turnouts associated with the designated road or trail. The designation also includes parking within one vehicle width from the edge of the road surface when it is safe to do so.

Question: Why are we considering any changes to our current travel management?

Answer: The last Forest-wide assessment of travel routes was completed in 1978. Since that time, the numbers of users and the patterns and types of uses have changed dramatically. Old roads have been closed, new roads have been built, trails that were once single-track trails are now two-track trails, and subdivisions near the Forest have led to a proliferation of new trails. Individual project decisions over time have affected individual road and trail management and use. Conflicts between motorized and non-motorized users have increased as the population has grown. Over the past 30 years we have developed a better understanding of the effects of different recreational pursuits on the environment. The public has asked for and deserves a system of well maintained roads and trails where it is clear what uses are allowed. For all of these reasons, the time is right to complete a comprehensive review of travel routes on the Bitterroot National Forest to determine which routes should be available for which types of uses.

Question: Is there an option to have no change from the current situation?

Answer: Yes. The no action alternative will be fully considered.

Question: What is a 303(d) listed stream?

Answer: Under Section 303(d) of the Clean Water Act, these are streams determined by the State, through a public process, to be impaired in some way, and not fully supporting a beneficial use such as aquatic life, full contact recreation, or a specific water quality standard, like metals. They are also called “water quality limited streams or waterbodies.” Most 303(d) listed streams on the Forest are on the list due to road-related sediment issues.

Question: Will the Forest Service have enough funding to hire more OHV rangers and enforce the rules?

Answer: In order for a system of shared roads and trails to work, it will take more than just Forest Service enforcement. All users will need to assist the Forest Service in training and educating users and sharing information. In addition, patience and cooperation of users, peer pressure on rule-breakers, and, finally, enforcement of rules and regulations will help provide a

quality experience for all users. The Forest Service will continue to place a priority on quality signing, maps, information, education, and enforcement.

Question: Who designates Wilderness?

Answer: Only Congress has the authority to designate Wilderness.

Question: How much of the Bitterroot N.F. is classified as Recommended Wilderness, and how does this classification affect travel management?

Answer:

- Under the current Forest Plan 76,805 acres are identified as Recommended Wilderness, and are currently **open** to motorized recreation on designated routes and areas.
- In the future, Recommended Wilderness will likely be managed similar to Congressionally-designated Wilderness in that motorized or mechanized recreation would not occur there. **HOWEVER**, Recommended Wilderness can not be closed to motorized use without a public process such as this travel management EIS.
- Recommended Wilderness can be changed through Forest Plan amendment or revision.
- Regardless of which areas are Recommended Wilderness, the Forest Supervisor has the authority to close certain parts of the Forest to motorized use through this public travel management process.

	Fiscal Year 2007 (July 06- June 07)	Fiscal Year 2008 (July 07-June 08)			Fiscal Year 2009 (July 08-June 09)		
	Ravalli County ¹	Ravalli County ¹	Grants ²	Proposed Enhancements ³	Ravalli County ¹	Proposed Enhancements ³	Total
Project Management/ Coordination/ Technical Assistance							
Countywide baseline zoning	21,300	35,000		118,800	10,000	27,200	212,300
Streamside setbacks	9,000	22,000			7,500	25,000	63,500
Rural resource planning program	5,700	10,000			15,000	15,000	45,700
Update and modernize subdivision regulations		5,000	10,400		14,130	50,000	79,530
Data Gathering and GIS Analysis and Modeling							
Countywide baseline zoning	25,000	24,000	15,000	15,000			79,000
Streamside setbacks			109,900				109,900
Rural resource planning program		1,000		10,000			11,000
Outreach and Public Engagement							
Countywide baseline zoning	6,850	88,000	3,000	62,500	6,500	8,700	175,550
Streamside setbacks		4,000			7,500	12,500	24,000
Rural resource planning program		4,000			2,500	15,000	21,500
Total	67,850	193,000	138,300	206,300	63,130	153,400	821,980

¹ Ravalli County match is based on estimated staff allocation, existing and proposed salaries, estimates of time expended this year, and budgeted/re-allocated operating expenses from Planning Dept budget such as mileage motor pool, printing, office supplies/equipment, consultants, etc. The Fiscal Year 2008 budget proposal was approved as presented to the Commissioners. The Fiscal Year 2009 is only an estimate. These estimates are also somewhat dependent on the proposed enhancements and grants. Without grants and enhancements, Ravalli County will need to absorb more of each of categories of work.

² Grants include: 15,000 CDBG Planning Grant; a successful \$100,000 CARDD Grant through Montana Department of Natural Resources and Conservation for LiDAR mapping the north half of County; approximately \$20,000 from an EPA/DEQ grant to Bitter Root Water Forum for technical assistance to the County related towetlands training, regulation options, and streamside setbacks. An Opportunity Grant for \$3,000 for facilitation training is also included. Ravalli County is continuing to search out other partners, grants, etc. to help enhance the countywide planning program.

³ Proposed Enhancements Note: The budget concept has been developed assuming that there would be approximately \$100,000 per year for two years from a potential foundation grant and that other potential local donors, such as the building industry association and conservation organizations, will step forward to match the grant. It is also assumed that if one area or another of the planning program requires enhancement, that priorities will be reevaluated and funding shifted as appropriate. In the event that donors do not step forward or the County receives a grant allocation less than \$100,000 per year for two years, this proposal will be modified to fund top priorities which generally include, from a programming standpoint, implementing countywide baseline zoning, followed closely by the streamside management program and rural resource planning. For these programs, priorities for additional funding include increased capacity for project management/technical assistance, increased outreach and public engagement, and to a lesser extent, increased resources for data gathering and analysis.

Comparison between 2007 and 2008 proposals

	Fiscal Year 2008 (July 07-June 08)			Fiscal Year 2009 (July 08-June 09)		
	Ravalli County ¹	Grants ²	Proposed Enhancements ³	Ravalli County ¹	Proposed Enhancements ³	Total
Original proposal 6/07	160,836	135,300	197,500	36,100	140,000	737,586
Updated proposal	193,000	138,300	206,300	63,130	153,400	789,816
Difference	32,164	3,000	8,800	27,030	13,400	52,230

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
COUNTYWIDE ZONING PHASE-1 - BASELINE ZONING																																					
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																					
Work Plan																																					
Present of proposed work plan			x																																		
Planning Board recommends adoption of work plan			x																																		
BCC adopts initial work plan (Benchmark/Product - Initial work plan)			x																																		
Identify and contract with a Planning Consultant to manage the Countywide Zoning Project and provide technical assistance (Benchmark/Product - RFQ issued, RFP issued, Contract signed)										x	x	x	x	x																							
Planning Consultant evaluates program and integrates into project management/technical assistance role													x	x																							
Submit evaluation report and recommendations for revisions of project components (public outreach plan, draft regulations, data analysis, public engagement in creation of zoning map) from planning consultant (Benchmark/Product - Contract and Diagnosis of Draft Regulations)														x	x																						
Review and revision of work plan/timeline in accordance with current conditions or input (such as from PPRI evaluation & advice from Planning Consultant) - (Benchmark/Product: revised work plan produced quarterly)						x			x		x				x			x			x				x												
Develop zoning program administration materials and training (Benchmark/Product - Zoning administration materials and training)																								x	x												
Create zoning regulations/resolution																																					
Develop preliminary draft resolution/regulations	x	x	x	x																																	
Finish preliminary revisions to 1st draft (district standards, matrix, definitions) and review, as well as PUD standards and Growth Policy amendments					x	x	x																														
Complete streamlined draft zoning resolution/regulations and cluster development standards							x	x																													
Review complete streamlined draft of zoning resolution/regulations, cluster development standards, etc.								x																													

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
Finalize public review draft of zoning resolution/regulations (Draft A) and GP amendments, present at initial public meetings (Benchmark/Product - public draft of zoning regulations and GP amendments)							x																											
Clarion completes diagnosis of Draft A zoning regulations (Benchmark/Product - Clarion's Diagnosis) (new task)															x																			
Conduct kick-off workshop to introduce planning consultant team, overview of zoning regulations, presentation of diagnosis of Draft A, presentation of Land Suitability Analysis, provide overview of process for creating zoning maps (Benchmark Product - Public Workshop #1) (new task)																																		
Hold public comment period on Draft A zoning regulations (new task)															x	x																		
Submit memo about suggestions regarding other tools the County might consider to address property rights concerns - by Clarion (Benchmark/Product - Other tools memo) (new task)																x																		
Public workshop to review comments on Draft A zoning regulations (Benchmark/Product - Public Workshop #3) (new task)																	x																	
Develop Draft B zoning regulations (Benchmark/Product - Draft B Regulations) (new task)																	x	x																
Present of Draft B zoning regulations and Draft 1 zoning maps at public workshop (Benchmark/Product - Public Workshop #4) (new task)																		x																
Hold public comment period on Draft B zoning regulations (new task)																		x	x															
Develop Draft C zoning regulations (Benchmark/Product - Draft C Regulations) (new task)																			x	x														
Present Draft C Zoning Regulations and Draft 2 zoning maps at public workshop (Benchmark/Product - Public Workshop #5) (new task)																				x														
Development of additional drafts of zoning regulations and zoning maps as part of the public hearing process is addressed in the formal adoption process below (new task)																					x	x	x	x										
DATA GATHERING AND GIS ANALYSIS																																		
Create data inventory and outline project (methodology, key players, budget)				x	x	x																												
Issue GIS Request for Proposals and select consultant (Benchmark/Product - GIS RFP issued and consultant selected)						x																												

ACTIVITY Notes: <i>Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.</i>	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
Identify a virtual technical advisory committee for the data analysis project						x	x																														
Collect and process data sets							x	x	x																												
Create set of base maps (Benchmark/Product - base maps for each planning area)										x	x	x																									
Create additional maps for CPCs as new needs are identified and new data is available and determined useful for the project (<i>new task</i>)														x	x	x	x	x	x																		
Identify and design sub-models with consultant (increased involvement of local agencies, scientists, and experts)										x	x	x	x	x																							
Run final data analysis model (will incorporate sub-models) and display results																x																					
Hold public meetings about data collection and analysis - description of available data, data gaps, general methodology behind the analysis, basic map literacy (Third set general public meetings - see above. Benchmark/Product - Land suitability analysis meetings held.)															x	x																					
Modify and present final land capability and suitability analysis (Benchmark/Product - Final land suitability analysis)																x																					
Develop printed Land Suitability map sets for County and each CPC/planning area (<i>new task</i>)																x	x																				
PUBLIC OUTREACH AND ENGAGEMENT																																					
Public Involvement Plan																																					
Develop initial ideas for public involvement plan				x	x	x	x																														
Work with PPRI to determine best role for public process consultant, develop agreement for initial assistance to the County					x	x	x																														
PPRI interviews key interested parties in the Countywide zoning project, summarizes findings and makes recommendations for changes to the work plan and public involvement plan (Benchmark/Product - PPRI report issued to County)							x	x	x																												
Determine additional need for public involvement consultant and either arrange agreement for additional services through PPRI or issue Request for Proposals									x	x																											

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
Determine role of CPCs, develop CPC reference manual, composition of membership, goals for outreach/public engagement, and needs for technical support					x	x	x																											
Develop final CPC reference manual with input from Sonoran Institute and PPRI (Benchmark/product - final CPC reference manual)												x																						
Initiate CPC start-up and development (Benchmark/Product - CPCs established for each planning area)									x	x	x																							
Finalize public involvement plan (Benchmark/Product - Public Involvement Plan endorsed by Planning Board and BCC)								x																										
Update public involvement plan with input from consultants, e.g. PPRI, Sonoran, planning consultant to be selected												x			x																			
Initial Public Outreach																																		
Hold initial rounds of general public meetings and workshops																																		
General public meetings (3 total) - zoning project work plan overview (Benchmark/Product - Initial meetings)				x	x																													
General public meetings - Growth and Change in the Bitterroot Valley (2 total) with guest speaker Larry Swanson and staff providing an overview of the zoning project and upcoming events (Benchmark/Product - meetings held)										x																								
General public meetings - Topic: "Nuts and Bolts" of zoning and community planning committees (Benchmark/Product - meetings held, 7 total -one in each planning area)										x	x																							
Follow-up workshops																																		
Community Planning Committee workshops (Benchmark/Product - CPC workshops held, 7 total, one in each planning area)										x	x	x	x																					
Zoning Question and Answer sessions (Benchmark/Product - zoning workshops held, 7 total, one in each planning area - at the request of the CPC - not requested until winter 2008)															x	x																		

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
General public meetings - land capability and suitability analysis - review data, analyze what data is critical to decision making in different planning areas (Benchmark/product -land suitability analysis meetings held 7 total - one in each planning area)											x	x	x	x	x																			
General Publicity/Public Outreach																																		
Create and staff Project Display Booth - Ravalli County Fair, Apple Days (can be updated for future community events as more information is available (Benchmark/Product - booth created and on display at community events)											x	x																						
Issue countywide planning program newsletter (Benchmark/Product - newsletter mailings - this item would start under the countywide zoning project, but would support outreach efforts for streamside setbacks, rural resource planning, updating and modernizing subdivision regulations, as well as other countywide planning activities)**																																		
CPCs develop communications plans for conducting outreach throughout the planning process (new task)													x	x	x																			
Develop zoning project brochures for broad distribution (new task)														x	x																			
Create and maintain HUB sites (information distribution centers) throughout the Valley (new task)														x	x	x	x	x	x	x	x	x	x	x	x									
Public Engagement to Create Zoning Map																																		
Develop process for creating zoning map as part of contract negotiations (Benchmark/Product - mapping process as part of contract) (new task)													x	x																				
Present an overview of process for developing zoning maps at January workshop (new task)															x																			
Conduct values mapping workshops to kickoff mapping process (Benchmark/Product - Public Workshop #2) (new task)																x																		
CPCs develop values maps during a minimum of three additional meetings. Planning team provides input and suggestions to each group as drafts are prepared. CPCs conduct outreach about mapping process and invite participation at the local level. (Benchmark/Product - Values Maps - due 3/14) (new task)																x	x																	
Develop Draft 1 zoning maps (Benchmark/Product - Draft 1 Zoning Maps) (new task)																	x	x																

ACTIVITY Notes: <i>Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.</i>	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	
Conduct public workshop to review comments on Draft A zoning regulations (Benchmark/Product - Public Workshop #3) (new task)																	x																		
Hold public comment period on Draft 1 Zoning Maps (new task)																		x	x																
Develop Draft 2 zoning maps (Benchmark/Product - Draft 2 Zoning Maps) (new task)																				x															
Present Draft C zoning regulations and Draft 2 zoning maps at public workshop (Benchmark/Product - Public Workshop #5) (new task)																				x															
Develop of additional drafts of zoning regulations and zoning maps as part of the public hearing process is addressed in the formal adoption process below. (new task)																					x	x	x	x											
Formal Public Adoption Process																																			
Reconsider interim zoning (Benchmark/Product - decision regarding extension of interim zoning)												x	x																						
Publish Planning Board hearing draft zoning regulations and zoning maps (Benchmark/Product - PB Draft regulations and maps)																						x													
Conduct Planning Board public hearing(s)																						x													
Make revisions to zoning maps and regulations																						x													
Publish BCC hearing draft zoning regulations and zoning maps (Benchmark/Product - BCC Draft regulations and maps)																							x												
Conduct BCC public hearing(s)																							x												
Make revisions to zoning maps and regulations																							x												
Present final zoning regulations and zoning maps (Benchmark/Product - Final Zoning Regulations and Zoning Maps)																								x											
BCC adopts Resolution of Intent to Adopt Zoning Regulations and Zoning Maps (Benchmark/Product - Resolution of Intent to Adopt)																								x		x									
Protest period																								x											
BCC adopts Resolution to Adopt Zoning Regulations and Zoning Maps (Benchmark/Product - Resolution to Adopt)																									x										

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
STREAMSIDE MANAGEMENT PROGRAM (Includes Countywide Zoning Phase 2 - Streamside setbacks)																																					
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																					
Develop comprehensive streamside management program																																					
Create streamside setback committee and select members								x																													
Research options for a comprehensive streamside protection management program that includes a combination of approaches such as regulatory measures, educational opportunities, incentives, awards and recognition program (new task)															x	x	x	x	x	x																	
Develop an overall plan for streamside protection management program (includes regulatory and non-regulatory measures) (Benchmark/Product - Proposal for streamside protection management program) (new task)																		x	x	x	x																
Implementation of Regulatory Measures																																					
Interim Zoning Proposal																																					
Direct Streamside Setback Committee to provide interim zoning proposal by September 7, 2007 and final zoning proposal by July 2008 via letter from BCC											x																										
Proposed interim zoning regulations, subsequently revised (Benchmark/Product - draft interim zoning regulations)											x		x																								
Consider interim zoning proposal (BCC)														x	x	x																					
Final Zoning Proposal																																					
Develop work plan for committee and streamside setback program											x	x	x																								
Prepare draft streamside protection zoning proposal -SSC task (Benchmark/Product - Draft of Final Proposal)												x	x	x	x	x	x	x	x	x	x																
Conduct technical and legal review and recommendations for revisions - Planning consultant (possibly same consultant as for baseline countywide zoning), legal counsel and Planning Department staff to work with SSC																						x	x	x	x												
Complete final draft streamside protection zoning proposal (Benchmark/Product - Final public review draft complete)																									x												
Complete formal public adoption process (Benchmark/Product - Final Regulations Adopted)																										x	x	x	x								

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
Implementation of Non-regulatory Measures																																					
Develop non-regulatory program elements (Benchmarks - Various non-regulatory program elements created - likely to happen one at a time over a period of time - probably starting around August/Sept)																						x	x	x	x	x	x	x									
Adopt non-regulatory measures (Benchmarks - Various non-regulatory program elements adopted - likely to happen one at a time over a period of time, probably starting around September)																							x	x	x	x	x	x	x								
DATA GATHERING AND GIS ANALYSIS																																					
Plan for enhanced GIS data analysis for streamside setbacks project complete										x	x	x																									
Complete streamside setbacks GIS data analysis																x																					
PUBLIC OUTREACH AND ENGAGEMENT																																					
Identify technical assistance for public process and outreach campaign (new task)																		x	x																		
Develop outreach materials, message, etc. for an outreach campaign on an overall streamside management program (Benchmark/Product - initial outreach materials and program) (new task)																				x	x																
Conduct outreach campaign to discuss potential streamside setback regulations and other methods for protecting surface water resources - public meetings and listening sessions, site visits and discussions with landowners, meetings with existing groups (new task)																						x	x	x	x												
As streamside setback regulations are developed and non-regulatory measures identified, conduct informational public review and comment sessions throughout the Valley using formal and informal approaches - include opportunities for continuing education credits as appropriate (new task)																									x	x	x	x	x								
With adoption of streamside setback regulations and non-regulatory measures, prepare appropriate outreach materials, message, website, etc. and a continuing education program (Benchmark/Product - final outreach materials/program - materials for non regulatory program elements may be developed earlier as projects are implemented) (new task)																										x	x	x	x	x	x						

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
RURAL RESOURCE PLANNING PROGRAM**																																					
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																					
Develop program goals and objectives and prioritize potential projects through work with potentially interested boards (Open Lands Board, Planning Board, Right to Farm and Ranch Board and the Weed District Board), organizations (conservation organizations, farm and ranch groups, MSU Extension, etc.) and individuals (new task)																			x	x	x																
Identify rural resource planning tools and activities to undertake (new task)																				x	x	x	x	x	x	x											
Identify program coordination/technical assistance needs (new task)																					x	x															
Acquire program coordination/technical assistance, as identified (new task)																						x	x	x													
Develop and implement rural resource planning tools/services (some projects may be coordinated with Update and Modernize Subdivision Regulations Project) (new task)																									x	x	x	x	x	x	x	x	x	x			
Develop a strategic plan for future open lands bond initiatives																														x	x	x	x				
DATA GATHERING AND GIS ANALYSIS																																					
Complete plan for enhanced GIS data analysis to support rural resource planning efforts											x	x																									
Complete GIS data analysis complete (completed as part of enhanced Land Suitability Analysis for Baseline Zoning Project)															x																						
Present data analysis to Open Lands Board (new task)																x	x																				
PUBLIC OUTREACH AND ENGAGEMENT																																					
Organize and implement an effort to coordinate current rural resource planning and agriculture-related activities (new task)													x	x	x	x	x	x	x	x																	
Develop coordinated outreach materials regarding existing resources for rural land owners (new task)																					x	x	x														
Conduct an effort to engage rural landowners and rural resource planning and agricultural in exploring key issues for rural areas and rural landowners and identifying tools and services that would address the identified issues (build on the work of the BRLT/RTFR Agricultural Study) (new task)																	x	x	x	x	x	x	x	x	x	x	x	x									
With the implementation of additional tools and services, prepare updated outreach materials and campaign (new task)																														x	x	x	x				

ACTIVITY	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.																																					
UPDATE AND MODERNIZE SUBDIVISION REGULATIONS**																																					
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																					
Conduct meetings with interested agencies, organizations, etc. about potential needs for revisions (new task)																				x	x	x	x	x	x												
Establish project scope of work																				x																	
Complete RFQ/RFP process and identify consultant																				x	x	x															
Develop work plan																							x														
Evaluate current regulations complete with recommendations for changes - Presentation in public meetings																								x	x												
Complete revisions and present draft regulations																									x	x	x										
Conduct workshops and other public involvement activities to collect input on revised regulations																												x	x	x							
Revise and distribute new draft regulations																																x					
Complete final revisions and adoption process																																	x	x			
Prepare administrative materials and conduct workshops with staff, boards and consulting firms																																		x			